

Honorable Judge John C. Coughenour

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON

AT SEATTLE

CHONG and MARILYN YIM, KELLY	)	Civil Action No. 2:18-cv-00736-JCC
LYLES, EILEEN, LLC, and RENTAL	)	
HOUSING ASSOCIATION OF	)	
WASHINGTON,	)	<b>STIPULATED MOTION AND</b>
Plaintiffs,	)	<b>[PROPOSED] ORDER TO SET</b>
v.	)	<b>SCHEDULE FOR SUPPLEMENTAL</b>
THE CITY OF SEATTLE, a Washington	)	<b>BRIEFING</b>
Municipal corporation,	)	<b>Note on Motion Calendar: Feb. 26, 2020</b>
Defendant.	)	

Defendant City of Seattle and Plaintiffs Chong and MariLyn Yim, Kelly Lyles, Eileen, LLC, and the Rental Housing Association of Washington respectfully ask the Court to grant the parties the opportunity to file supplemental briefing in response to the Washington Supreme Court's ruling on questions certified by this Court.

**I. INTRODUCTION**

Plaintiffs raise several constitutional challenges to the City's Fair Chance Housing Ordinance under the First and Fourteenth Amendments to the United States Constitution and Article 1, sections 3 and 5 of the Washington State Constitution. After the parties completed

1 summary judgment briefing, this Court certified three questions to the Washington State  
 2 Supreme Court.

3 The Washington Supreme Court issued its original opinion on November 14, 2019, an  
 4 order amending the opinion on January 9, 2020, and a certificate of finality on February 3, 2020.  
 5 Now that the Washington Supreme Court has answered the certified questions, the parties request  
 6 the opportunity to provide the Court with supplemental briefing in light of the Washington  
 7 Supreme Court's opinion.

8 **II. STIPULATION**

9 The parties agree that limited briefing on Plaintiffs' Washington substantive due process  
 10 claim will benefit the Court in light of the Washington Supreme Court's opinion.

11 The parties jointly propose the following supplemental briefing schedule and page limits:

12 Plaintiffs' opening brief (not to exceed 8 13 pages)	Filed by March 13, 2020
14 City's combined opening and response brief (not to exceed 11 pages)	Filed by April 3, 2020
15 Plaintiffs' combined response and reply brief (not to exceed 10 pages)	Filed by April 17, 2020
16 City's reply brief (not to exceed 6 pages)	Filed by May 6, 2020

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1 STIPULATED February 26, 2020:

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Attorneys for Plaintiffs Yim, et al.

### **III. [PROPOSED] ORDER**

Based on the parties' stipulation, the Court GRANTS the parties' stipulated motion and ORDERS that the clerks shall enter the following supplemental briefing schedule:

Plaintiffs' opening brief (not to exceed 8 pages)	Filed by March 13, 2020
City's combined opening and response brief (not to exceed 11 pages)	Filed by April 3, 2020
Plaintiffs' combined response and reply brief (not to exceed 10 pages)	Filed by April 17, 2020
City's reply brief (not to exceed 6 pages)	Filed by May 6, 2020

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Hon. John C. Coughenour  
United States District Court Judge  
Western District of Washington

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2                   **CERTIFICATE OF SERVICE**  
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5                   I hereby certify that on Feb. 26, 2020, I electronically filed the foregoing with the Clerk of  
6 the Court using the CM/ECF system which will send notification to all counsel of record.  
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9                   s/ ETHAN W. BLEVINS  
10                  Ethan W. Blevins, WSBA # 48219  
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13                  Attorney for Plaintiffs  
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*Stipulated Motion and [Proposed] Order  
To Set Schedule for Supplemental Briefing - 5  
2:18-cv-00736-JCC*

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